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old "tanglefoot" this marshal in his excitement forgets about Hill, and "arrests" the suitcase. About four hours later he starts out in search of Hill, finds him, places him under arrest on a charge of having in possession intoxicating liquors with intent to sell or unlawfully give away. Hill was convicted, and now appeals. The Supreme Court of Mississippi in *McComb City v. Hill*, 56 Southern Reporter, 346, holds that under the evidence a conviction was improper. The views of the court are of interest: "The fact that the corkscrew convenience was attached to each bottle is not evidence of possession for unlawful purposes by Hill. It is a matter of common knowledge that nothing is more provoking and distressing than to have to wait for a corkscrew when a burning and consuming thirst is raging within." But because Hill looked frightened when he met the marshal, it is urged that this evidenced his guilty intent. Answering this, the court says: "When a man has whiskey in his possession in a dry town, and is out on the streets with it so early in the morning, it is natural for him to be a little suspicious, for he does not know whom to trust, nor from what source might come the enemy, bent on the destruction of his goods. The frightened look, under the circumstances, is no proof of guilty possession."

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**Eminent Domain (§§ 79, 80)—Right to Compensation—Waiver.—**

As the constitutional provision, inhibiting the taking of private property for public use without compensation, is a mere limitation upon the power of eminent domain, constituting no abridgement of the power of a citizen to dispose of his property or rights or interests therein by contract, the protection it affords from unlawful entries upon private lands by internal improvement companies may be waived by agreement or conduct creating an estoppel. And if an owner of land permits a railroad company to build a railroad through his land, under an oral agreement for compensation, or, without protest and with full knowledge of the fact, permits a railroad to be built on his land, he is limited to his remedy for compensation for the land, and cannot prevent the operation of the road by injunction, nor compel removal thereof from the land. (Ed. Note.—For other cases, see *Eminent Domain*, Cent. Dig. § 774; Dec. Dig. § 276.) *Briar Creek Ry. Co. v. Kanawha Cent. Ry. Co. et al.* (Supreme Court of Appeals of West Virginia. Jan. 23, 1912), 73 S. E. 726.